

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA

- v -

ROY VICTOR,

Defendant.

:
:
: FELONY
: INFORMATION

: 07 CR 100

:
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The United States Attorney Charges:

(Obstruction of Justice)

Count One

At all times relevant to this Information:

1. The Institute for Cancer Prevention ("IFCP") was a not-for-profit cancer research institute headquartered in Valhalla, New York.

2. The defendant ROY VICTOR was the chief financial officer of the IFCP and was employed by the institute from in or about November 2001 through in or about May 2003.

3. The IFCP was predominantly funded through grants received from the United States Department of Health and Human Services ("USDHHS"). Pursuant to the terms of the grants, the IFCP was reimbursed by the USDHHS only for specific grant related expenses, and only after certifying that the expenditures had been incurred.

4. In or about 1999 and 2000, a USDHHS audit determined that the IFCP had fraudulently submitted requests for

reimbursements for non-grant related expenses disguised as expenses which were properly reimbursable under the specific terms of the grants issued to the IFCP.

5. In or about February 2000, the IFCP entered into settlement and integrity agreements with the USDHHS in which the IFCP agreed to: (1) repay the funds that were improperly received and (2) to provide training for IFCP personnel responsible for managing the IFCP to ensure that the practice of improperly seeking reimbursements would not be repeated.

6. In or about July 2004, the Office of the Inspector General for USDHHS auditors discovered that, notwithstanding the settlement and integrity agreements, the IFCP had again engaged in the practice of improperly seeking reimbursement for non-grant related expenses by submitting false and misleading documentation to the USDHHS which disguised the non-reimbursable expenses as grant related expenses.

7. Following the discovery of the fraud, federal criminal and civil investigations were commenced by the Federal Bureau of Investigation, the United States Attorney's Office and the USDHHS.

8. On or about November 4, 2004, and July 14, 2005, and March 3, 2006, the defendant ROY VICTOR was interviewed by federal officials conducting the investigation. During the

interviews, VICTOR falsely denied that the IFCP had submitted false statements to the USDHHS to conceal the improper requests for grant funds from the USDHHS.

Statutory Allegation

9. On or about November 4, 2004, and July 14, 2005, and March 3, 2006, in the Southern District of New York and elsewhere, the defendant, ROY VICTOR, did corruptly endeavor to influence, obstruct and impede the due administration of justice, to wit, in connection with federal criminal and civil investigations, the defendant falsely told federal officials that the IFCP had not submitted false statements to the USDHHS to conceal the improper requests for grant funds from the USDHHS.

(Title 18, United States Code, Section 1503)


MICHAEL J. GARCIA
United States Attorney